

SIKKIM

GOVERNMENT



GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.5/LD/P/14

Dated:30/05/2014

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 26th day of February, 2014 is hereby published for general information:-

THE SIKKIM LAND ACT, 2014 (ACT NO. 5 OF 2014)

AN ACT

To provide for consolidation and updating the records of Rights of persons allotted government land in the State prior to 26th April 1975 and also to deal with consolidation and updating records of Rights of the heirs and descendants of the persons allotted government land prior to 26th April 1975 in the State.

BE it enacted by the legislature of Sikkim in the sixty-fifth year of the Republic of India, as follows:

Short title and Commencement

1. (i) This Act may be called the Sikkim land Act, 2014.
(ii) It extends to the whole of Sikkim.
(iii) It shall come into force on such date as the State Government may by notification in the official gazette appoint.

Definition

2. In this Act, unless the context otherwise requires:-
 - (a) "Act" means the Sikkim Land Act 2014;
 - (b) "Authority" means the State Government or any office or department functioning under the State Government or such department as may be specifically notified in this behalf and includes the Government of Sikkim functioning prior to 26th April 1975;

- (c) "Government" means the Government of Sikkim and includes the Administrative department of the Land Revenue and Disaster Management Department, Government of Sikkim, including the Government of Sikkim functioning prior to 26th April 1975;
- (d) "Land" means Government land;
- (e) "Prescribed Authority" means an authority appointed by the State Government by notification for all or any of the purposes of this Act;
- (f) "Rights" means the Rights as may have accrued at the time of settlement by the order of the authority of the Government;
- (g) "State" means the Government of Sikkim and includes the Government of Sikkim functioning prior to 26th April 1975.

**Validation
land holding**

- 3. (i) Any person holding any Government land allotted by any authority of the Government prior to 26th April 1975 irrespective of the nature of the land shall while continuing to hold such land will enjoy such rights and liabilities as applicable in relation to such land and their heir also shall continue to enjoy such rights and liabilities in respect of such holdings;
- (ii) sub-section (1) shall have application only in respect of such land holding which were Government land at the time of allotment and obtained through allotment order of the Government;
- (iii) where a holder of such land has not obtained either registration or mutation or both of his land the same shall be affected within a period of 12 (twelve) months from the date of publication of this Act or within such further period as may be notified in this behalf on production of documents in proof of such holding.

Procedure

- 4. (i) Person holding such land either by way of allotment or otherwise shall appear before the prescribed authority for obtaining registration and mutation of the land in those cases where no such registration and mutation have been done;
- (ii) the prescribed authority shall on receipt of the application for registration and mutation verify the same and publish it inviting objection, if any, within a period of 30 (thirty) days from the date of publication of notification and thereafter shall proceed to dispose of the registration and mutation application as per the rule as may be prescribed;
- (iii) where the prescribed authority is of the opinion that the registration and mutation cannot be accorded he shall call upon the applicant to adduce additional material/evidence, if any, within 30 (thirty) days to support the registration and mutation application;
- (iv) on receipt of such additional material, if any, the registration and mutation application shall be dealt with on its merit;

- (v) where registration and mutation application has been accepted the prescribed authority shall issue registration and mutation certificate in the prescribed format as may be provided under the rules on payment of requisite fees as may be prescribed.

Power to make
Rules

- 5. The State Government may make rules to carry out the purposes of this Act.

(Lakchung Sherpa) SSJS
L.R-cum-Secretary,
Law Department.

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